

07 MAY 2008



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In re Application of	:	DECISION ON
Rivet et al	:	
PCT No.: PCT/US04/01845	:	
Application No: 10/553,611	:	PETITION UNDER
Int. Filing Date: 23 January 2004	:	
Priority Date: 25 January 2005	:	
Attorney's Docket No.: 67065-037 (PEPL-0112)	:	37 CFR 1.47(a)
For: MICROPAYMENT PROCESSING	:	
METHOD AND SYSTEM	:	

This is in response to the "SECOND RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 24 April 2008.

BACKGROUND

In a decision from this Office on 27 February 2008, the renewed petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 24 April 2008, petitioner submitted a "Second Renewed Petition Under 37 CFR 1.47(a), which included a declaration by Kellie S. Bickel"

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 24 April 2008 has satisfied item (2) under 37 CFR 1.47(a) because the averments of Kellie Bickel sufficiently demonstrate that a *bona fide* attempt was made to obtain the signatures of nonsigning inventors Perry Solomon and Robert Carney and that they have refused to sign the declaration.

Consequently, the current record does sufficiently establish Dr. McDonald refusal to join in the application.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **08 January 2008**.



Rafael Bacares

PCT Legal Examiner

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Mr. Robert Carney
15 Newman Street
Cambridge, Massachusetts, 02140

In re Application of
Rivet et al
PCT No.: PCT/US04/01845
Application No: 10/553,611
Int. Filing Date: 23 January 2004
Priority Date: 25 January 2005
Attorney's Docket No.: 67065-037 (PEPL-0112)
For: MICROPAYMENT PROCESSING
METHOD AND SYSTEM

Dear Mr. Carney:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in dark ink, appearing to read "R. Bacares", written over the printed name.

Rafael Bacares
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Mr. Perry Solomon
111 85th Street E#17G
New York, New York, 10028

In re Application of
Rivet et al
PCT No.: PCT/US04/01845
Application No: 10/553,611
Int. Filing Date: 23 January 2004
Priority Date: 25 January 2005
Attorney's Docket No.: 67065-037 (PEPL-0112)
For: MICROPAYMENT PROCESSING
METHOD AND SYSTEM

Dear Mr. Solomon:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "R. Bacares".

Rafael Bacares

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